

Appn No. 10/815,611
Amdt. Dated May 1, 2006
Response to Office Action of February 24, 2006

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REMARKS/ARGUMENTS

The Office Action has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

The Applicant has amended claims. The Applicant respectfully submits that the amendments to the claim set are fully supported by the originally filed specification.

Claim 1 has been amended to incorporate features of dependent claim 36.

Claim 53 has also been amended to incorporate features of dependent claim 36.

Specification

The Examiner objected to pages 23 and 27 due to the missing corresponding application numbers. Appropriate correction has been enacted.

The applicant has not located any errors in the specification in the applicant's review of the specification.

Claim Objections

The Examiner objected to claim 60. Claim 60 has been cancelled thereby traversing the objection.

Claim Rejections - 35 USC § 102

The Examiner rejects claims 1 – 9, 13, 15, 17 – 21, 23, 24, 26 – 29, 31 – 34, 49 – 51 and 61 – 64 under 35 U.S.C. §102(b) as being anticipated by Bobba *et al.* (US 5,475,207).

A claim is anticipated if all of its limitations are present in a single reference in the prior art. Because all of the limitations of the claims of the present invention are not present in Bobba *et al.*, as discussed below, the present invention is not anticipated by Bobba *et al.* and the rejection is traversed. Reconsideration and withdrawal of the rejection is respectfully requested.

Bobba *et al.* discloses an optical system and method for data reading which makes use of a first optical beam and a second optical beam and a rotating polygon mirror. The first mirror array is configured to generate a scan pattern having an apparent source from one orthogonal direction and a second mirror array is configured to generate a scan pattern having an apparent source from another orthogonal direction (col 1, line 64 – col 2, line 10). Lower light source 76 or upper light source 56 can be used to detect a partial barcode scanned by a scan line generated from the top scan head 110 and collection optics 120 (col 9, lines 17 – 20).

Claim 1 has been amended to include the feature "the coded data disposed on the interface surface in accordance with at least one layout, the layout having at least order two rotational symmetry, the coded data including rotation-indicating data". Furthermore, claim 1 has been amended to recite that the processor determines "using at least some of the sensed coded data, a respective rotation of the layout and product identity data".

It is respectfully submitted that Bobba *et al.* does not disclose or suggest arrangement of coded data in at least one layout where the layout has at least order two rotational symmetry and also includes rotation-indicating data. Furthermore, Bobba *et al.* does not disclose or suggest that the

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processor is able to determine, using at least some of the sensed coded data, a respective rotation of the layout.

The Examiner has indicated the allowability of claim 36 if re-written in independent form. Amended claim 1 incorporates certain features of claim 36 that the applicant respectfully submits renders amended claim 1 patentable over the cited documents.

Claim 36 remains in the application as claim 36 includes additional features to amended claim 1.

Claim Rejections – 35 USC § 103

The Examiner rejects claims 10 – 12, 14, 16, 22, 25, 30, 35, 50 – 60 and 65 – 67 as being unpatentable over Bobba *et al.* in view of either Batchko (US 2005/0158866), Bianco (US 4,359,633) or Patel *et al.* (US 2004/0118928).

Independent claim 53 has been amended to include the features introduced into amended claim 1.

As neither Batchko, Bianco or Patel *et al.* disclose or suggest all features of amended claim 1 or amended claim 53, it is respectfully submitted that all claims of the present application, which depend from either claim 1 or claim 53, are patentable in light of the cited documents.

None of the cited documents, taken alone or in combination, disclose or suggest the new features introduced into amended claim 1 and claim 53.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,
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